

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	06/12/19
Planning Development Manager authorisation:	AN	17/12/19
Admin checks / despatch completed	EC	18/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RW	18/12/19

**Application:** 19/01622/FUL                      **Town / Parish:** Harwich Town Council

**Applicant:** Mr and Mrs G Antliff

**Address:** 422 Main Road Harwich Essex

**Development:** Proposed residential dwelling house.

### **1. Town / Parish Council**

Harwich Town Council                      Harwich Town Council has no objection to this application on the condition that the rear second floor window is to be obscured/frosted.

### **2. Consultation Responses**

ECC Highways Dept                      A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is located within the existing 30-mph speed limit and has a wide footway running across the front of the host dwelling. It is noted that there is a fixed safety camera located on the boundary of 418 and 422.

The proposal offers adequate off-road parking and turning for the existing and proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose; as shown in principal on block plan drawing no. 2505-1 Rev. A

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access or driveway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of any of the proposed new dwelling, the proposed private drive shall be constructed to a width of 5.5 metres

for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans (as shown in principal on block plan drawing no. 2505-1 Rev. A), has been hard surfaced, and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

### **3. Planning History**

14/01287/OUT	Demolition of existing garage and construction of new detached 3 bed roomed dwellinghouse on land adjacent 422 Main Road, Dovercourt, CO12 4DW.	Approved	16.01.2015
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### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### Site Description

The application site, which measures approximately 350 square metres, is located between 422 and 418 Main Road, within the parish of Harwich. The character of the surrounding area is heavily urbanised, with predominantly residential development to all sides. The immediate surrounding dwellings are either detached or semi-detached, two storeys in height and include pitched roofs and front gable features.

The site is within the Settlement Development Boundary for Harwich within both the Saved Local Plan and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Description of Proposal

This application seeks full planning permission for the erection of one detached residential dwelling, which will be 2.5 storeys and served by four bedrooms.

### Site History

Under planning reference 14/01287/FUL, outline planning permission was granted on this site for the demolition of an existing garage and construction of a detached 3-bedroom dwellinghouse. However, this permission expired 16 January 2018.

### Assessment

#### 1. Principle of Development

The site is situated within the defined settlement limits of Harwich as defined within both the 2007 Adopted Local Plan and the emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

#### 2. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be detached and 2.5 storeys. While it is acknowledged that the character of the surrounding area predominantly includes two storey properties, it is noted that the height of the proposed dwelling is in-keeping with both adjacent properties. There are therefore no principle concerns with the 2.5 storey design.

The layout shows the dwelling to be sited approximately 0.8m to each boundary. While this falls just short of the 1m requirement highlighted within Policy HG14, it is important to also take consideration of the areas character, where it is noted that the majority of plots are narrow and leave little space to the boundary. Set against this backdrop, on balance, it is not considered that there will be significant visual harm as a result of the proposed dwelling that would warrant a reason for refusal.

In respect of the more detailed design of the dwelling, effort has been made to include a pitched roof with a front gable element. This is entirely in-keeping with the surrounding properties, and ensures the dwelling will be appropriate for this location. Given this and other features such as a

single storey rear element and canopy area, the dwelling is considered to be of a good and considered design.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this is comfortably achieved for both the new and existing dwellings.

### 3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be sited in close proximity to both adjacent properties to the east and west. With respect to the amenities of Number 422 Main Road to the west, there is an approximate 2m separation distance. This will ensure the dwelling will not appear significantly imposing, particularly given there are no windows to the eastern elevation of Number 422. In respect of loss of light, it is acknowledged there will be a degree of sunlight lost to their garden area during the morning period, as the sun rises in the east and sets in the west. However this will not be a significant loss of sunlight for a large period of the day, while it is also noted the applicants occupy Number 422, and any future occupier would be aware of this situation prior to purchase. Therefore, on balance, the harm identified is not significant enough to warrant a reason for refusal. With regards to the potential overlooking, it is noted there are no first or second floor windows that can directly overlook, with the only windows being velux windows that face upwards. While there are first and second floor rear elevation windows these will have views to the area furthest rear of the garden, and not the main area of the garden that is likely to be regularly occupied.

In terms of the impacts to the neighbouring property to the east, Number 418 Main Road, there is an overall separation distance of 0.8m. While being in such close proximity could mean the dwelling would feel imposing, it is noted there are no windows to Number 418's western elevation. Further, the depth of the dwelling is broadly in-keeping with Number 418, with the rear element being single storey, which significantly reduces the overall impact. Therefore, while there will be a degree of sunlight lost to the rear garden area of Number 418 in the late afternoon/early evening, this harm is not considered significant enough to justify refusing the application. In terms of potential overlooking, it is noted there is one first floor and one second floor window to the elevation facing Number 418; however these windows both serve a landing area, which is not a main habitable room that would cause undue overlooking concerns. Further, the first and second floor rear elevation windows will again have views to the area furthest rear of the garden, and not the main area of the garden that is likely to be regularly occupied.

It is also noted that there are properties to the north of the site within Ashley Road (notably numbers 75 and 73) potentially impacted upon as a result of the proposed dwelling. However, given that there is an approximate 40m separation distance, it is considered the proposal will have a neutral impact to their existing amenities.

### 4. Highway Safety

Essex Highways Authority have stated the proposal is located within the existing 30-mph speed limit and has a wide footway running across the front of the host dwelling, while it is noted there is a fixed safety camera located on the boundary of 418 and 422 Main Road. Given this they do not object to the scheme subject to conditions relating to a vehicular turning facility, the use of no unbound materials, the width of the private drive, no discharge of surface water, and the surfacing of the parking area.

A further condition relating to cycle parking provision was requested, however there is sufficient room within the site for this, and it would therefore not be reasonable to include this as a condition on this occasion.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted layout supplied shows there is sufficient space to the front of the proposed dwelling for two parking spaces at the above standards. With respect to the existing dwelling, two spaces are outlined. However it is not considered there is sufficient space in practice to operate such an arrangement, and therefore there is only room for one parking space. That notwithstanding though, the site is located in a highly sustainable location in close proximity to a number of local conveniences. Therefore, on balance, that there is only one realistic parking space is not significantly harmful to justify refusing the application.

## 5. Tree and Landscape Impacts

In the south eastern corner of the application site adjacent to Main Road there is group of two shrubs and a small tree that have a pleasant softening impact on the street scene. The group comprises of a small Beech tree, a Viburnum and a Privet. Set back into the site and approximately level with the front of the existing garage there is a short section of Beech hedging. None of the trees or other vegetation merits retention or formal legal protection by means of a tree preservation order, while there is not sufficient space within the site to request soft landscaping conditions.

## 6. Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

A contribution towards Open Spaces is not considered to be relevant or justified to this application, and accordingly has not been requested on this occasion.

## 7. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation); within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on the Stour and Orwell Estuaries Ramsar and SPA. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Stour and Orwell Estuaries Ramsar and SPA in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## Other Considerations

Harwich Town Council do not object to the application but would like a condition imposed to ensure the rear second floor window is obscure glazed.

There has been one letter of objection received, outlining concerns that the dwelling will not be in-keeping with the street scene and will be harmful to neighbours in Main Road and Ashley Road.

In answer to this, these points have been addressed in detail within the main body of the report above.

## 6. Recommendation

Approval.

## 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 7A, 6A, 4A, 3A, 1A, 14, 13A and 5A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 4 No unbound material shall be used in the surface treatment of the vehicular access or driveway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 5 Prior to the occupation of the proposed dwelling, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on drawing number 1A has been hard surfaced, and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

## 8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## Highways Informatives:

Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

## Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.